

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

September 3, 2013
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Frank Yanish. Members present on a roll call were Mayor Yanish, Council Members Denis Anderson, Ron Christianson, Steve Ahmann, Audrey Nelsen, Tim Johnson, Rick Fagerlie and Bruce DeBlieck; Present 8, Absent 1 – Jim Dokken was excused from the meeting.

Also present were City Administrator Charlene Stevens, Police Chief David Wyffels, Finance Director Steve Okins, Community Education and Recreation Director Steve Brisendine, Planning and Development Services Director Bruce Peterson, Fire Chief Gary Hendrickson, City Attorney Robert Scott, and City Clerk Kevin Halliday.

Council Members Ahmann and Christianson, and Mayor Yanish noted that they would have items under New Business.

The Council requested the August 20, 2013, Council Minutes be removed from the Consent Agenda.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of August 19, Rice Hospital Board Minutes of August 21, Municipal Utilities Commission Minutes of August 26, Planning Commission Minutes of August 28, Accounts Payable Report through August 28, Exempt Permit for Knights of Columbus, Community Education/Recreation Joint Power Board Minutes of August 23, and Airport Commission Minutes of August 23, 2013. Council Member Fagerlie seconded the motion, which carried.

Following discussion, the Special Council Minutes of August 20, 2013, were corrected with a clarification of the current structure and a desire to verify which organization chart was being used in the Study. A motion was made by Council Member Nelsen, seconded by Council Member Anderson, and carried to attach the organizational structure chart to the Minutes. Council Member Nelsen moved that the August 20, 2013, Council Minutes be revised adding that the present structure has worked for "20 years," be approved and ordered placed on file in the City Clerk's Office. Council Member DeBlieck seconded the motion, which carried.

At 7:06 p.m. Mayor Yanish opened a scheduled hearing to consider special assessments for unpaid weed/grass mowing. City Clerk Halliday informed the Council that over the course of the summer, the City responded to numerous complaints regarding lack of timely mowing of lawns by certain property owners. Notices were sent to owners and in cases where there was no response, arrangements were made by the City to have the property mowed and a bill sent to cover the cost. The City has the authority to certify as special assessments those costs not reimbursed. No property owners appeared before the Council, and the Mayor closed the hearing at 7:07 p.m.

Following discussion, Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Ahmann, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

WHEREAS, Section 9-3 of the Willmar City Code states that such unpaid weed or grass mowing bills represent a lien of the real property receiving mowing services; and

WHEREAS, THE City Council of the City of Willmar has offered the owner his right to request an appearance before the Council to make objections to payment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid weed/grass mowing charges totaling \$1,683.95 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2014 and collected by the County Treasurer, and paid to the City Clerk-Treasurer along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid weed or grass charges be certified against the real property as follows: (Complete property list on file in the City Clerk's Office)

Dated this 3rd day of September, 2013.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

At 7:07 p.m. Mayor Yanish opened a scheduled hearing to consider special assessments for unpaid garbage removal charges. A notice has been sent to the property owner and there was no response. Therefore, arrangements were made by the City to have the garbage removed and a bill sent to cover the cost. The City has the authority to certify as special assessments those costs not reimbursed. The owner did not appear before the Council and the Mayor closed the hearing at 7:08 p.m.

Resolution No. 2 was introduced by Council Member Ahmann, seconded by Council Member Christianson, reviewed by Mayor Yanish, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

WHEREAS, Section 9-1 of the Willmar City Code concerning the removal of nuisance conditions by the City. The cost of such removal or remedial measures shall be assessed by action of the City Council against the property, under such terms and conditions as the City Council may require.

WHEREAS, THE City Council of the City of Willmar has offered the owner his right to request an appearance before the Council to make objections to payment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the amount of the unpaid garbage removal charges totaling \$402.50 be certified to the County Auditor to be extended on the tax rolls of such real property in the same manner as other taxes for collecting in 2014 and collected by the County Treasurer, and paid to the City Clerk-Treasurer along with other taxes; and

BE IT FURTHER RESOLVED that the unpaid garbage removal charges be certified against the real property as follows: (Property list on file in the City Clerk's Office)

Dated this 3rd day of September, 2013.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Mayor Yanish acknowledged Betty Knutson and Sue Quist who had signed up to address the City Council during its scheduled Open Forum. Ms. Knutson thanked individuals who had written letters in the West Central Tribune and urged the Council to set aside personal agendas. Ms. Quist thanked the Mayor and

certain Council Members for doing the best they can for the majority.

The Labor Relations Committee Report for August 21, 2013, was presented to the Mayor and Council by Council Member Ahmann. There were nine items for Council consideration.

Item No. 1 The meeting was called to order.

Item No. 2 There were no public comments offered at the meeting.

Item No. 3 The Committee went into closed session pursuant to Minn. Stat. §13D.03 to Discuss Labor Negotiation Strategies. This matter was for information only.

Item No. 4 The meeting was reopened at 5:31 p.m. This matter was for information only.

Item No. 5 Fire Chief Hendrickson presented the Committee with information regarding the current staffing of the Fire Department, as well as the total calls and response time. Chief Hendrickson discussed the challenges of staffing a volunteer department as well as potential retirements in the next two to three years. Chief Hendrickson proposed increasing the allowed roster from the current 35 to 40 firefighters.

The Committee was recommending the Council approve of the recommendation to increase the number of paid, On-call Firefighters from 35 to 40. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Anderson seconding the motion, which carried.

Item No. 6 City Administrator Stevens presented a request to fill a vacancy created by a promotion in the Public Works Department. Ms. Stevens stated that two internal promotions had occurred for Public Works Superintendent, as well as Working Foreman, resulting in a vacancy for an operator, and further that the position be filled in order to fully staff the Department.

The Committee was recommending the Council fill the vacancy of Operator in Public Works. Council Member Ahmann moved to approve the recommendation of the Labor Relations Committee with Council Member Christianson seconding the motion, which carried.

Item No. 7 Chair Ahmann inquired about advertising for the positions approved by Council at the recent special session. Ms. Stevens responded that the advertisements for Public Works Director/City Engineer and Engineering Technician/Surveyor were ready to go and the position of Assistant Engineer would wait until the filling of the Director position.

Chair Ahmann also inquired as to the status of planning a retreat. Ms. Stevens stated that the Council needed to better define the purpose and goals of a retreat before one could be scheduled or a facilitator considered. The Committee agreed to have further discussion on the purpose and goals of a retreat. This matter was for information only.

Item No. 8 Chair Ahmann raised questions regarding the timeframe for preparation of agendas and supporting materials and placing items on the agenda. It was suggested that perhaps to test sending out agenda materials for Committees earlier as part of the electronic agenda pilot and determine if that provides more opportunity for review in advance of meetings. This matter was for information only.

Item No. 9 Chair Ahmann requested that the contract with the Convention and Visitors Bureau and the Director be reviewed at a future meeting. Council Member Anderson asked that the Committee consider a policy to address individuals serving on boards and commissions. Council Member Christianson stated that the goals and objectives for the City Administrator need to be finalized. This matter was for information only.

The Labor Relations Committee Report for August 21, 2013, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Ahmann, seconded by Council Member Christianson, and carried.

The Finance Committee Report for August 26, 2013, was presented to the Mayor and Council by Council Member Anderson. There were seven items for Council consideration.

Item No. 1 John Sullivan expressed the opinion that a Council Planning Retreat would not accomplish anything because Council Members can't agree to disagree. This matter was for information only.

Item No. 2 The Committee was informed by Staff that the City was notified about a parcel located within City limits that has been forfeited to the State of Minnesota for non-payment of property taxes. The County has appraised the value of this property at \$3,000. Per Minnesota Statute 282.01, Kandiyohi County is requiring the City to either approve the parcel for public auction or request a conveyance to the City for public use. Staff is not recommending conveyance to the City as it is a small corner lot with no public use.

Following discussion, it was determined that further information be brought back to the Committee, including the exact address, whether or not the property has been sold, and outstanding amount of back taxes. This matter was for information only.

Item No. 3 Staff informed the Committee that the local Disc Golf Club has requested the City install an additional nine holes of disc golf plus a practice hole. The project cost is estimated at \$2,859.89. The Disc Golf Club would like to make a donation of \$1,224.35 to the City to help offset these costs. Staff is requesting an increase to the 2013 Leisure Services Budget by \$1,224.35 in both Donations Revenue and Supplies Expenditures.

The Committee was recommending the Council accept the donation of \$1,224.35 from the Disc Golf Club as presented. Resolution No. 3 was introduced by Council Member Anderson, seconded by Council Member Christianson, reviewed by Mayor Yanish, and carried on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 3

WHEREAS, the City of Willmar has received a donation of \$1,224.35 from the Willmar Area Disc Golfers for improvements to the disc golf facilities at Robbins Island;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the donation from the Willmar Area Disc Golfers and the City Administrator be directed to express the community's appreciation.

Dated this 3rd day of September, 2013.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 Mayor Yanish is proposing reductions in budgeted expenditures for 2014. Three areas include: 1) Reductions in Travel and Training (50%), 2) Memberships and Dues (35%), and 3) Professional Services (35%). Committee Members raised questions regarding the methodology used for cutting these areas. The Mayor indicated these cuts would be across the board. The Committee requested Staff compile detail of the 2013 Budget, the 2013 actual Expenditures to date, and the 2012 actual Expenditures for Travel/Training, Memberships/Dues, and Professional Services, along with anticipated 2014 Expenditures, noting whether they are mandatory or only beneficial for productivity. The Committee will continue to review and discuss the proposed 2014 budget over the next several meetings prior to the

public hearing to be held in December, 2013. This matter was for information only.

Staff reviewed with the Committee the tax levy included in the Mayor's proposed 2014 Budget. Due to the Levy limit law being reinstituted in 2013 for the 2014 tax year, the levy cannot be raised over the 2013 tax levy. The levy proposed of \$4,139,734 may be lowered but not raised after certification to the County Auditor's office.

The Committee was recommending the Council pass a Resolution setting the preliminary 2014 City of Willmar Property Tax Levy as proposed and schedule the public hearing on the 2014 Proposed Budget for December 2, 2013. Resolution No. 4 was introduced by Council Member Anderson, seconded by Council Member Fagerlie, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED that the Mayor of the City of Willmar submitted a preliminary levy request of \$4,139,734;

BE IT RESOLVED by the City Council of the City of Willmar, Kandiyohi County, Minnesota, that the following sums of money be preliminary levied for the current year collectable in 2014, upon the taxable property in said City of Willmar for the following purposes:

General Fund	<u>\$4,139,734</u>
	\$4,139,734

BE IT RESOLVED, that there is a sufficient sum of money in the Debt Service Funds of the City to pay principal and interest in 2014 on all outstanding bond issues, and the deferred annual tax levies previously certified to the County Auditor are hereby canceled;

FURTHER, pursuant to a request by the Housing and Redevelopment authority in and for the City of Willmar, for authorization to levy a special tax to be included as part of its fiscal year 2013 - 2014 Budget;

FURTHER, that the City Council of the City of Willmar, Minnesota, hereby authorizes the Housing and Redevelopment Authority to levy a special tax in the amount of \$170,000 pursuant to the powers vested under the Minnesota Statutes; and

BE IT FURTHER RESOLVED that a public hearing shall be scheduled for the 2014 proposed budget on December 2, 2013.

The City Clerk is hereby instructed to transmit a certified copy of this Resolution to the County Auditor of Kandiyohi County, Minnesota.

Dated this 3rd day of September, 2013.

/s/ Frank Yanish
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee received the 2nd Quarter Community Foundation Report and July, 2013, Rice Trust Report. This matter was for information only.

Item No. 6 There was no old business for the Committee to discuss.

Item No. 7 There was no new business for the Committee to discuss.

The Finance Committee Report for August 26, 2013, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report for August 27, 2013, was presented to the Mayor and Council by Council Member Nelsen. There were seven items for Council consideration.

Item No. 1 David Little commented on how well the construction of the Trott Avenue Quiet Zone turned out.

Item No. 2 The dangerous weapons ordinance was referred back to Committee by the Council from the hearing. Chief Wyffels researched ordinances of other cities similar to Willmar and found a variety of ways to regulate the issue of archery shooting. The Committee reviewed the wording of several ordinances and favored what is used by the City of Hutchinson, specifically "it is unlawful for any person to shoot a bow and arrow except in the physical education program in a school supervised by a member of its faculty, a community-wide supervised class or event specifically authorized by the Chief of Police, or a bow and arrow range authorized by the Council." The Committee also discussed possible locations to develop an approved archery range such as the former Wastewater Treatment Plant with the inclusion of archery groups in the development of the site.

Chief Wyffels stated that City Attorney Scott is requesting the word "embrace" be changed to "prohibit" in Sections 10-54 (c and d).

The Committee was recommending that the Ordinance be referred back to Staff to draft wording similar to that used by the City of Hutchinson, have the word "embrace" changed to "prohibit" in Sections 10-54 (c and d), and bring the sample ordinance back to committee for further review. Council Member Nelsen moved to approve the recommendation of the Public Works/Safety Committee with Council Member DeBlieck seconding the motion, which carried.

Item No. 3 Acting Public Works Director Peterson updated the Committee on the MinnWest Lift Station/Lakeland Drive Sanitary Sewer Project. Staff continues to meet with the design consultants on the project. The lift station design is going well and should be completed in time to include it, and the northerly force main, in the 2014 Projects.

In summary, the original cost estimates for replacing the sanitary sewer along Lakeland Drive and reconstructing the roadway became significantly higher than anticipated. Staff and the consultant evaluated just what needs to be completed at this time by entering into a contract to televise the sanitary sewer line. The overall condition of the line, viewed through televising, indicated it is in reasonably good condition, except for several impediments they are proposing be removed by cleaning. If that is successful, the line would not need to be replaced in its entirety. There would then be no need to proceed with the complete reconstruction of Lakeland Drive, and an overlay would be considered deferring the complete reconstruction.

The plans will continue for the trail and quiet zone construction, along with possible lane change improvements on Lakeland Drive from High to Trott Avenues to improve traffic flow. This matter was for information only.

Item No. 4 The Committee was informed that Staff recently met with Willmar Municipal Utilities personnel to discuss sewer credits for particularly large users of water that do not return proportionate amounts to the sanitary system due to the processes involved in their businesses. Examples given were J's Bait, Kandiyohi Bottled Water and several irrigators. It was noted that sprinkler use in the summer months is already built into the rate structure, as during the summer months consumers are charged for their sewer based on the average of their winter months. The Committee discussed the matter, and it was their consensus that a policy for staff to use to formulate credits should be developed in the future, possibly once a City Engineer is on staff. This matter is for information only.

Item No. 5 Staff met with representatives of Donohue and Associates to discuss the matter of effluent credits for phosphorous only. The City could sell credits to other cities within the watershed since the current plant is discharging water that is substantially below the maximum limit. Willmar is at a disadvantage though because the City is so far up the Minnesota River basin watershed. Cities seeking credits would have to be farther up. The Committee felt that the sale of effluent credits would be risky as future compliance limits are unknown. No action was taken.

Item No. 6 Under new business Chief Wyffels reported the jail census at 87 and the report of calls for the last two weeks at 832.

Item No. 7 Under old business Chief Wyffels informed the Committee he was contacted by a citizen with concerns for the pedestrian traffic that crosses Willmar Avenue in the vicinity of the football field at Kennedy School. He requested permission to pursue purchase of two foldable-type standards, three feet high by two feet wide, to place at 10th and 7 ½ Streets on the centerline to alert traffic. The Committee concurred with the purchase.

Council Member Ahmann brought up information on chemicals that may be purchased to clean the downtown sidewalks, and also mentioned the Garfield Neighborhood Watch Group and the potential promotion of more groups throughout the City.

Council Member DeBleck questioned Staff on the report of lead contaminates in the gun range of the City Auditorium. Staff reported more information will be brought forward in the near future, including cost estimates for abatement and air handling; but until then the range will be closed.

The Public Works/Safety Committee Report for August 27, 2013, was approved as presented upon motion by Council Member Nelsen, seconded by Council Member Ahmann, and carried.

Council Member Ahmann informed the Mayor and Council that he along with Convention and Visitors Bureau Executive Director Beth Fischer, Council Member Audrey Nelsen, and Community Ed/Recreation Director Steve Brisendine, had met to discuss an outdoor archery range.

Mr. Brisendine commented that an archery range concept is included in the online Park study currently underway. This study will assist in the development of a 5-year to 15-year park plan.

Council Member Christianson moved to create a policy whereby "all expenditures over \$10,000 in the Vehicle/Equipment Replacement Program and the Capital Improvement Program be presented to the appropriate committee and that these expenditures then go to the full Council for approval prior to any checks being issued for items in the Vehicle/Equipment Replacement Program or the Capital Improvement Program." Council Member Ahmann seconded the motion. Council Member Anderson objected to the method as he was lead to believe it would be discussed during the budget process.

City Administrator Stevens explained the five-year Capital Improvement Plan, annually approved by the Council, that details the annual purchases plus four additional years. Council Member Johnson stated a reminder of the adopted improvements would be welcome.

Following discussion, Council Member DeBleck moved to table the matter with Council Member Anderson seconding the motion which failed on a roll call vote of Ayes 3, Noes 4 - Council Members Christianson, Ahmann, Fagerlie and Johnson voted "No." The original motion then carried on a roll call of Ayes 4, Noes 3 - Council Members Anderson, Nelsen and DeBleck voted "No."

Council Member Christianson moved that the Willmar City Council adopt a formal written policy that states: "The Labor Committee Chairperson or his/her appointee from the Labor Committee be on every hiring committee involving the hiring of department heads, supervisors, and confidential employees." Council Member Fagerlie seconded the motion.

Council Member Nelsen asked if the motion conflicts with the adopted Ordinance (No. 989) listing the City Administrator's duties. City Attorney Scott stated he was not prepared to give an opinion at this time.

Council Member Nelsen moved to table the matter with Council Member Anderson seconding the motion, which carried on a roll call vote of Ayes 4, Noes 2 – Council Member Christianson and Ahmann voted no, and Council Member Johnson abstained.

Council Member DeBlieck informed the Council that he has received complaints regarding the race track and directed staff to place it on the Community Development Committee Agenda to review minutes regarding number of events held.

Mayor Yanish informed the Council that he was recommending Kathy Schwantes be appointed to the Police Civil Service Commission. Council Member Ahmann moved to approve the appointment as presented with Council Member DeBlieck seconding the motion which carried, Council Member Christianson abstained.


Council Member Ahmann directed Staff to seek approval from the MPCA to utilize the old Wastewater Treatment Plant for an archery range.

Announcements for Council Committee meeting dates were as follows: Finance including full Council, September 9; Public Works/Safety, September 10; Community Development, September 12, and Labor Relations, September 17, 2013.

There being no further business to come before the Council, the meeting adjourned at 8:35 p.m. upon motion by Council Member Christianson, seconded by Council Member Ahmann, and carried.

Attest:


MAYOR


SECRETARY TO THE COUNCIL